

September 30, 1968 CONGRESSIONAL RECORD — Extensions of Remarks

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TENZER helped through the passage of a law establishing minimum noise standards to be set by the Secretary of Transportation.

HERB TENZER, a genial gentleman, served well, and he will be greatly missed. I join my colleagues in wishing him every good luck and success as he begins his richly deserved retirement.

TELL US THE TRUTH, UNCLE SAM

HON. GLENN CUNNINGHAM

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

MR. CUNNINGHAM. Mr. Speaker, there was a time when it was considered a sin to tell a lie, but our Government has changed all of that. This is illustrated vividly by an article appearing in a recent issue of the Reader's Digest entitled "Tell Us the Truth, Uncle Sam," by John Barron.

Because that article shows how the credibility gap is destroying the confidence of the American people in their Government, I insert the piece into the CONGRESSIONAL RECORD and commend it to the attention of my colleagues:

TELL US THE TRUTH, UNCLE SAM

(By John Barron)

Federal agencies and bureaucrats are increasingly engaged in a self-serving policy of official deceit—a shabby practice that debases the quality and character of our democratic process.

Last spring, as Congress sought a \$6-billion cut in federal spending before passing the Administration's tax bill, government agencies joined in a scare campaign to forestall economies. Most stunning was a statement by the Veterans Administration. The spending reduction, it announced, "would require the closing of the equivalent of 30 hospitals." Outraged protests poured into Washington, berating Congress for heartlessly shutting hospitals when hundreds of injured men were arriving weekly from Vietnam. Finally, a bipartisan group of Congressmen had had enough. "You know that VA announcement is utterly false," Sen. John J. Williams (R., Del.) told the Treasury Department. "We want a letter to that effect. Unless you set the record straight, your whole tax bill will go down the drain." The letter came quickly.

Not long ago the Department of Agriculture hurriedly bought 2,900 expensive electric typewriters to use up money left over at the end of the year. The General Services Administration rebelled at this extravagance, pointing out that purchase through competitive bidding would have saved half a million dollars. The Agriculture Department solemnly explained that it had to buy the typewriters immediately because of all the paper work created by a new farm-bill amendment. But the fact was that Congress already had rejected the amendment cited.

Monthly Defense Department reports to Congress have long suggested that the amount of supplies being delivered to North Vietnam by Western ships was an inconsequential trickle. The State Department announced that it was "very sure" that none of the cargoes contained any "military or strategic" materials. But when Congress finally got a look at secret intelligence data, it learned that the number of Allied ships visiting North Vietnam was more than twice what it had been told. And authorities had no idea what material some of them carried.

These examples of official deceit symbolize

an ugly phenomenon which today has begun to corrode our democracy. Increasingly, federal departments are caught lying to the public, the press, the Congress, even to each other. Such calculated deception masks mistakes, chokes off enlightened criticism and denies voters facts they need to make intelligent choices. Worst of all, it undermines the trust upon which democratic government and traditions depend.

"Much of the doubt and dissension which torment the nation today results from the belief, too often justified, that our government no longer tells the truth," asserts Sen. Vance Hartke (D., Ind.). "This is not just a moral or a philosophic problem," adds news commentator Walter Cronkite. "Half-truths or lies... feed the fire of skepticism and cynicism that can undermine and destroy our democracy."

In recent years the government has tampered with the truth so frequently that the phrase "credibility gap" has gained common acceptance. Like most slogans, it is not always used fairly. Official pronouncements which turn out to be wrong sometimes are the consequence of bad judgment instead of dishonesty. Some issues and programs are so complex that sincere differences about them are inevitable. Yet even after the most charitable allowances are made, the public record remains littered with official lies which no amount of explanation can erase or mitigate.

This war on the truth is waged for fundamental purposes:

To Cover Incompetence: By deceit, bureaucracies seek to hide bungling that would justify the censure or dismissal of their administrators. Consider what the National Aeronautics and Space Administration (NASA) tried to foist off on the public last year.

NASA spends \$11,500,000 of the taxpayers' money annually and employs 300 press agents to glorify itself. It initially enjoyed immunity from independent scrutiny and criticism. On the night of January 27, 1967, fire erupted in an Apollo space capsule at Cape Kennedy. Three brilliant young astronauts were suffocated, and our whole program to put a man on the moon was set back a year. NASA attempted to depict the tragedy as simply a bad-luck accident which could not possibly have been avoided.

Death was instantaneous," it announced. "There was a flash and that was it." "We always have adhered to the highest standards of safety," intoned a space boss. "And yet, in spite of meticulous attention to the smallest detail, this tragedy has occurred."

Soon, these reassurances were shattered. New York Times and Washington Evening Star reporters learned from engineers who had heard tape recordings that the three deaths had been far from "instantaneous." The astronauts pleaded for help and, as the Times disclosed, up to the very end "they were scrambling, clawing and pounding to open the sealed hatch." Rep. William F. Ryan (D., N.Y.) unearthed proof out of NASA's own files that, as a result of previous blazes, it had been warned repeatedly of the danger of fire in the capsule. Yet it made no provision of emergency escape.

Next, several Senators asked NASA officials if Maj. Gen. Samuel A. Phillips had not submitted a report devastatingly critical of the Apollo program. "I know of no unusual General Phillips report," replied George E. Mueller, an associate administrator of NASA. The agency admitted that General Phillips had made some "notes." But it belittled their importance, and NASA boss James E. Webb refused to let investigating committees see them.

Representative Ryan obtained a copy of the Phillips report from a secret source. Instead of a few "notes," it was a voluminous document full of charts and evidence. It found the principal Apollo contractor, North American Aviation, Inc., guilty of disastrous mismanagement and waste, and showed that

the entire Apollo program was jeopardized by dangerously poor workmanship and skyrocketing costs. Yet additional evidence demonstrated that NASA had done little to correct the conditions pinpointed by Phillips.

Now some Congressmen began to wonder. Had these been favoritism in awarding North American the \$5-billion Apollo contract in the first place? A "Source Evaluation Board" of 190 scientists and business advisers had recommended a contractor after an exhaustive study. Had it been North American?

On April 17, the Senate Space Committee summoned Webb. Sen. Margaret Chase Smith (R., Maine) asked the direct question: "Was North American the first choice of the Source Evaluation Board?" "Yes. It was the recommended company," Webb said categorically.

Three weeks later, Senator Smith had the facts—and called Webb back to testify. She asked if it was not true that the experts actually had rated Martin Marietta Corp. above North American. Webb at last admitted that North American was not picked by the experts. He and his three assistants had rejected the expert recommendation on their own.

To Forestall Criticism and Discredit Critics: Bureaucrats have perfected the technique of using misinformation to obscure criticism in clouds of confusion. Sen. John C. Stennis (D., Miss.) was jeered after he warned that military spending for fiscal 1966 would be \$12 to \$14 billion more than the Pentagon claimed. "Pure figments of someone's imagination," said Presidential Economic Adviser Gardner Ackley; and Treasury Secretary Henry H. Fowler joined in ridiculing the Senator's authoritative calculations. Yet soon thereafter the Defense Department had to ask Congress for a \$12.7-billion supplement to its 1966 budget.

Next year the ritual deception was shamelessly repeated. Before the defense budget was released, senior military officers secretly reported to Rep. Melvin R. Laird (R., Wis.): "Congressman, we think you ought to know that we've purposely underestimated the war costs by at least \$10 billion." Laird then accused the Administration of trying to fool the public about Vietnam war costs by understating the budget. Within hours the then Defense Secretary, Robert S. McNamara, denied the charge.

As it turned out, Laird was more than right. The military expenditures during fiscal 1967 actually were \$12.1 billion more than Defense Department assurances. Had the truth been told, the Joint Economic Committee said last year then Congress might have done something to avert the vicious inflation the unbudgeted costs helped cause.

In April 1966, the New York Times reported from Saigon that air strikes against the communists had been drastically curtailed because of a shortage of explosives. "It is not true," McNamara vowed to Congress. "All this baloney—and it is only that—about lack of bomb production is completely misleading." Yet at the time the need for bombs was so desperate that the Air Force had to buy back for \$21 apiece old 750-pounders which it earlier had labeled surplus and sold to other countries for \$1.70 each. The Senate Armed Services Preparedness Subcommittee later produced overwhelming evidence, including official reports from field commanders, that the shortage had been acute.

To Manufacture Propaganda: The Associated Press last year organized a team of reporters to ascertain how much the government spends a year to put out public information. Their staggering finding: \$425 million! This "is more than double the combined outlay for news-gathering by the two major U.S. news services, the three major TV networks, and then ten biggest American newspapers," the AP noted. Too often, this colossal publicity apparatus is used to generate deceitful propaganda justifying pet policies and practices.

The Defense Department in recent years,

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for example, has dazzled the public with claims of immense savings attributed to brilliant and revolutionary management. Yet cold-eyed auditors from the General Accounting Office have discovered hundreds of millions of dollars of these claims to be utterly fictitious—such as the Pentagon's crediting itself with a \$51,800,000 "saving" when the Marines did not buy some tanks they never planned to buy in the first place.

For sheer gall, though, no bureaucrats rival poverty-program administrators. Repeatedly they have pictured themselves to the public as slaying dragons of destitution. The facts too often show otherwise. For example, in announcing a "community action" grant for four rural Missouri counties, the Office of Economic Opportunity (OEO) conjured up a compelling scene of want and despair. "Approximately 120,000 needy persons are found scattered in every town and along rural roads in an area 60 miles long and 40 miles wide," said its press release. Rep. William L. Hungate (D., Mo.), who represents the four counties, boggled. Census figures revealed the total population of the area to be no more than 105,000. Queried by the Congressman, OEO first said that it had erred, that only 80,000 poor people were huddled in the counties. Challenged again, it ultimately admitted that the right figure was 5000.

Residents of prosperous Danville, Ind. (pop 3287), protested when OEO attempted to force a poverty program on them. But poverty warriors insisted, and to prove their point told Sen. Birch Bayh (D., Ind.) that the little town had 1339 families with incomes under \$1000, and 1979 families receiving aid for dependent children. At a public hearing, townspeople cited the government's own statistics to prove that only 382 families had incomes of less than \$1000 and only 29 were getting ADC funds. Red-faced, OEO officials said they would check.

"Those figures are for Danville, Ill.," one finally announced. "An understandable mistake." But it wasn't. A newspaper investigation verified that the figures were ridiculously inaccurate when applied to Danville, Ill.

OEO has claimed marvelous success for Upward Bound, a program with the worthy objective of putting poor youngsters through college. "They respond as if the floodgates to knowledge had just been opened. They do well in college, they stay in college," it boasted. However, a study by Dr. Joseph Froomkin, of the Office of Education, was not so glowing. "More than half dropped out by the beginning of the sophomore year," he concluded.

Angrily OEO condemned the report as inaccurate and stated that Froomkin had agreed to make corrections on the basis of "more complete data" OEO had supplied. He had agreed to no such thing. Rather, he had asked OEO to send along any "new data," but none was ever provided. Moreover, Froomkin's report was based entirely on statements OEO itself had made to Congress. "I'm all for the idea of Upward Bound," he says. "But why not admit how difficult the job really is?"

To Dupe Congress: Often, in evaluating legislation, Congress must rely upon information provided by government agencies. If it is withheld or falsified, lawmakers can be misled into action they otherwise might not approve. Yet today Democrats and Republicans alike complain of difficulty getting straight answers.

After Rep. Wright Patman (D., Texas) sent an inquiry to the Treasury Department, someone there mistakenly attached an internal memorandum to the reply. The memo, obviously intended for the eyes of bureaucrats only, said, "As you will note we purposefully have not answered the question except in a very indirect way."

Testifying in behalf of a bill to create a

Youth Conservation Corps, Interior Secretary Stewart Udall read a statement prepared by his underlings. "A recent study has shown that 60 percent of those who went into the old Civilian Conservation Corps program, instead of going back to their old environment, went on to new jobs and new opportunities," he said. But when the Senate Labor Committee asked for a copy of the study, the Interior Department had to admit that there was no such study. Some bureaucrat had simply fabricated it to persuade Congress to do what the Interior Department desired.

Over the years, the Agency for International Development has made many appeals to Congress for foreign-aid funds. Believing what AID said, Congressmen voted billions with the understanding that they were authorizing loans which eventually would be repaid. Two years ago came the shocker, when minority leader Everett Dirksen's staff started examining data supplied by the General Accounting Office. They discovered that AID had disguised as "loans" no-strings-attached handouts of \$10.1 billion. There is no way of recovering the money, even though many nations who got it have become prosperous and capable of repaying.

Deceit practiced in Washington today is seldom so clearly unmasked. "For every bald-faced lie you can document," says Rep. Thomas Curtis (R., Mo.), "there are dozens of others—more sophisticated, less detectable and thus more destructive." But enough official lies have been documented to create widespread distrust. As a result of doubts spawned by misinformation, the nation finds itself perilously troubled and divided in the midst of the third-greatest war it ever has fought.

The problem of restoring the reputation of our government for truthfulness is one of the first to which the new Administration, be it Democratic or Republican, must turn. The issue here is not a partisan one. It involves the health of the nation at a time when it is beset by crises, foreign and domestic, as grave as any in its history. Historically, free men have responded best to the challenges of their time when told the truth. So will Americans today. Tell us the truth, Uncle Sam. That's what we need.

CONGRESSMAN TUCK: LIFELONG PUBLIC SERVANT

HON. JOHN M. SLACK

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. SLACK. Mr. Speaker, those of us who serve in the Congress have an opportunity to observe from time to time the careers of those of our colleagues who accept continuous responsibilities at several levels of government and discharge all of those responsibilities with dignity and determination. I join with all of those who have spoken in praise of Congressman WILLIAM M. TUCK, of Virginia, who is retiring at the end of this Congress.

Long before I was first elected to the House, I had read and heard of him and his sound and conscientious leadership while serving as Governor of Virginia. The problems of recent years in Virginia and adjoining States have been challenging in the extreme. Both as Governor and as a Member of Congress, he was always able to turn his attention to methods which offered constructive solutions and yet he maintained an even-tempered

dignity no matter what controversies developed.

His was indeed a long and distinguished career of public service and throughout all of those years he maintained a posture of firm belief in the Constitution and in the philosophies of our Founding Fathers when they brought forth that imperishable doctrine.

I would hope that retirement from Congress would give him an opportunity to reflect and consider at his leisure the results which have emerged from the many great national trends with which his work has been associated and that one day we will all hear again from him in that connection so that the history will be further supported by the memoirs of one whose whole lifetime was involved with the pursuit of the best that could be obtained for the people under our system of democratic self-government.

Czech

THE CRISIS IN EASTERN EUROPE

HON. E. ROSS ADAIR

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. ADAIR. Mr. Speaker, about 12 years ago when Russian tanks were destroying the flower of Hungarian youth, the American people were deeply moved despite our military inaction. From the President and Congress to the man on the street, a moral revulsion was felt, and for a time Budapest became the synonym of man's yearning to be free. Though moral indignation has been ineffective and Soviet troops are still stationed on Hungarian soil, the 6-year boycott of the Kádár regime and the numerous U.N. resolutions made Khrushchev and Kádár realize that some domestic concessions must be granted in order to regain a modicum of respect in the West.

August 21, 1968, will also be a black day in history just as November 4, 1956, has been. This was the day when, despite solemn agreements reached by the Kremlin Politburo and the Dubcek government at Cierna and Bratislava, the Soviet Union and four of its unenthusiastic allies occupied Czechoslovakia, arresting five of the highest officials, including Party Secretary Dubcek. For a week, until Prague's surrender terms were made public, even Communist parties in the West and in Rumania and Yugoslavia condemned the aggression and called for Russian withdrawal. Yet to this day not even a United Nations resolution has been passed despite tepid American support, and Jakob Malik is angered even by indirect references to the hideous Soviet crime made by American delegates in United Nations committees.

The Czechoslovak events, however, have political and strategic implications which exceed the tragic local significance of the invasion. They show with merciless clarity the unpalatable truth that many of our policymakers, politicians, and journalists began to minimize in the last few years—the presence of an aggressive and lawless world power bent upon expansion wherever and whenever

possible without risking a war with the United States. And this potentially aggressive state, propelled by an ideology that would stamp out freedom of conscience, religion, and political activity cannot be stopped and contained by polite gestures, economic agreements, and close attention to the propaganda charges its leaders make, but only by military strength and unyielding diplomatic insistence upon our rights and rights of the small nations over the world threatened by Communist imperialism.

The recent threat of force against the German Federal Republic clearly demonstrates that the Soviet Union has larger stakes in this game than the submission of Czechoslovakia, which could have been accomplished by one-fourth of the military force which the Russians mustered for the invasion. The political significance of the presence of the 24 divisions in Czechoslovakia and the presence of supporting Russian troops in Hungary and Poland for military blackmail has been aptly described in Anthony Harrigan's article in the Washington Post of September 16, 1968. "The Soviets Aim at Germany" points out:

The real attempt at coercion seems aimed at the Germans. Dr. Kurt Kiesinger, the German Chancellor, had no sooner protested Soviet invasion than Moscow Radio broadcast a saber-rattling statement, saying Kiesinger's remarks "can be interpreted as a declaration of war, and the necessary consequences will be drawn from this fact in Eastern Europe."

This statement underscores the Soviet intention to use its massive new power in Central Europe to exert psychological pressure against the Germans in an effort to demoralize them so that they will break away from the West.

A sidelight to the Soviet aggression in Czechoslovakia is also provided in the recent memorandum of the American Hungarian Federation to the Secretary of State which points out the reluctance of the Hungarian people and of the quisling Communist government to participate in the Russian aggression. The presence of Soviet occupation troops in Hungary despite free-world protests and numerous U.N. resolutions since 1956 shows that tolerance of the retention of the fruit of one aggression by the Soviet Union only facilitates the implementation of the next imperialist Soviet move once circumstances render such a step possible.

The greatest need today is, however, that of a new policy toward Eastern and Western Europe. The present administration's policies have been proven bankrupt on all fronts. The impossibility of one-sided bridgebuilding has been so well demonstrated that even many of its former adherents have abandoned hope and their former positions. The continued passivity of the administration toward Western European integration and NATO has had sorry results and contributed to the present military and political weakness of NATO, enabling the Soviet Union to attempt to drive wedges between the United States and Germany, and Germany and her other European NATO allies.

There is great need for a reassessment which will do away with the time-honored liberal shiboleths and evaluate the situation primarily from the view-

point of American national interest and defense against the Soviet Union's military might and ideological challenge. The Republican presidential candidate's study on a global level is a very useful undertaking, but it should be paralleled by similar studies in Congress, particularly by the House Foreign Affairs Committee and hearings with administration officials and academic experts alike. We might be facing a Berlin crisis by the end of the year, or a Soviet invasion of Rumania, events fraught with great danger to NATO security and world peace.

We must discuss, analyze, and evaluate the situation and search for new, equitable, and adequate policies to stem the rising tide of aggression by the Soviet Union. A strong, but fair, criticism of the administration's soft-pedaling policy since August 21, 1968, has been well expressed by the West German journalist Heinz Barth in the Hamburg Die Welt of September 7, 1968:

Americas policy in its sphere of influence is defensive, the Soviet Unions is aggressive. The policy of strict non-intervention with which American diplomacy accepted the Soviet invasion, indeed directly encouraged it, contrasts sharply with the massive pressure simultaneously exerted on Bonn by the Kremlin.

A second act of aggression by the Soviet Union would put Johnson in a position despairingly similar to the situation in which the appeasers found themselves six months after Munich.

Moscow is enticing him with the assurance that Prague need not rule out cooperation between the superpowers in other spheres. He is still entertaining the illusion of meeting Kossygin as soon as the storm has died down. Two months before the presidential elections this illusion cannot be described as anything else but pathetic.

We hope that Congress and the American people will find the strength to speak out on the vital issues and prevent acquiescence to further aggressions even in the closing months of the present administration. For this reason it is a pleasure to join the distinguished gentleman from New Jersey and other colleagues in calling for a comprehensive study of the situation and new policies.

TRIBUTE TO WILLIAM TUCK

HON. JAMIE L. WHITTEN

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 26, 1968

Mr. WHITTEN. Mr. Speaker, I wish to join with my colleagues in expressing my regret at the voluntary retirement of Gov. BILL TUCK, of Virginia. We are losing one of the outstanding men of his generation.

I first met Governor Tuck in 1952, at the Democratic Convention in Chicago. There he stood forthright for what he believed, without regard to pressures. Later, knowing him, I followed his record more closely as Governor of Virginia; and there, too, he dealt with every issue forthrightly. His views were sound and always held up to public view. The people of Virginia have been good to BILL Tuck. In turn, he has been good to his

people. His record in Congress has been a continuation of his record as State legislator and Governor. He has voted as he saw the issues, always backed up by his independence and intelligent mind.

We shall miss BILL TUCK; but his works here will be an example to all the rest of us and those who are to come hereafter. As he retires and returns to the practice of law, we wish him and his family many years of enjoyment and success. We just hope and trust he will from time to time return to pay us a visit and on occasion, give us the benefit of his counsel and advice.

OUTSTANDING LAW-ENFORCEMENT OFFICER RECOGNIZED

HON. ROGERS C. B. MORTON

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mr. MORTON. Mr. Speaker, in recent years, and particularly in the past few months, law-enforcement officers have been under attack from a number of citizens in our country. Although I am acutely aware of the room for improvement in our law-enforcement system, it seems the abuses of power and the abuses of civil liberties are the images portrayed to the American people.

In view of the adverse coverage of police activities it is my pleasure to bring to the attention of the Congress an example of the quality law enforcement and citizen protection demonstrated by Trooper First Class Robert E. Williams of Centreville, Md.

Trooper Williams was honored on September 27 by the Capital District of Kiwanis International at the district convention in Norfolk, Va., as part of the Kiwanis program, Operation Law and Order. He was presented a plaque in recognition of this first annual award.

Following is a review of the outstanding performance of duty which qualified Trooper Williams for this honor:

OUTSTANDING LAW ENFORCEMENT OFFICER RECOGNIZED

On January 25, 1968 the clerk at the Centreville Post of the Maryland State Police overheard a broadcast by the Delaware State Police concerning an armed robbery of the First Federal Savings and Loan Company in Dover, Delaware. Due to the fact that tear gas was used during the holdup, alerted the clerk to the fact that TFC. Robert E. Williams was investigating two other armed robberies that had occurred on January 22, 1968. The suspects responsible fitted the description of the suspects in the earlier robberies. The radio clerk immediately broadcast this information to the Easton Barrack and roadblocks were established. TFC. Williams was assigned to patrol north on Route 301 in the direction of the Maryland-Delaware Line on State Route 300. Shortly afterward, TFC. Williams radioed that he was behind a 1966 dark green Chevrolet occupied by two colored males and a white female. Williams was instructed to keep the vehicle under surveillance and trail it to Route 301 and Route 50 at Queenstown, where other officers were stationed in a roadblock. Soon thereafter, Williams hurriedly radioed that the vehicle was apparently suspicious and was stopping on the shoulder approximately three miles north of Queenstown on Route 301, and that he would have

to attempt an apprehension. All cars in the immediate area were dispatched to that location to assist. Within minutes, other officers arrived at the scene. TFC Williams had the three suspects in custody at gunpoint. The prisoners were secured and later transported to the Queen Anne's County Jail.

A search of the vehicle revealed two revolvers under the front seat and one of the suspects had a partially used can of chemical mace in his pocket. The white female had a tear gas pen in her pocketbook and a total of \$403.00 was taken from their persons. Six of these bills were found to contain the serial numbers of money taken from the First Federal Savings and Loan Company.

In addition to the apprehension of the subjects in the case at hand, they were later identified as being the persons responsible for the armed robberies of the Seaboard Finance Company, Chestertown, Maryland and Seaboard Finance Company at Dover, Delaware. Both occurred on January 22, 1968. In addition, they were found wanted by numerous other police agencies on similar charges and were believed responsible for ten to twelve armed robberies. They had been operating out of Washington, D.C. and its metropolitan area. All three were subsequently convicted for the robberies of these Finance Companies, receiving heavy sentences.

It should be pointed out that during this apprehension, TFC Williams, who works as a criminal investigator, was in an unmarked car and attired in civilian clothes, which understandably made his job more precarious. Williams' efforts were recognized by citations from various civic organizations, as well as recommended for recognition by the Department's Performance Analysis Board.

In addition, he has performed as an outstanding criminal investigator in numerous cases, bringing them to a successful conclusion. He is married and lives in Centreville with his wife and five children.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION RULES AGAINST SEX DISCRIMINATION ON AIRLINES

HON. MARTHA W. GRIFFITHS
OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, September 30, 1968

Mrs. GRIFFITHS. Mr. Speaker, in 1964 the Congress took a momentous step forward in the national effort against discrimination when it included a provision in title VII of the Civil Rights Act of 1964 prohibiting employment discrimination on the basis of sex.

For several years some of the airlines have refused to comply with that requirement of the law in regard to their flight cabin attendants; namely, the stewards and stewardesses. Some airlines have refused to hire men for such positions. Other airlines have discharged women, but not men, when they marry, or reach the age of 32, or in some cases 35. These airlines have claimed that they are exempt from the prohibition against sex discrimination, by virtue of an exception in title VII which permits differences in treatment of men and women employees "in those certain instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise."

After very lengthy proceedings and hearings which had been demanded by

some airlines, the Equal Employment Opportunity Commission, ruled on February 21, 1968, that sex is not a bona fide occupational qualification for the job of flight cabin attendant because the duties of that job—whether the employee is called purser, hostess, steward, or stewardess—could be satisfactorily performed by members of both sexes. The Commission's ruling was published in 33 Federal Register 3361. The Commission then proceeded to consider the application of that ruling to the cases then pending before the Commission involving complaints against the airlines which were terminating or reassigning stewardesses, and only stewardesses, on or shortly after they married, or attained a certain age such as 32 or 35.

The Commission has recently issued three opinions in which it has concluded, and I believe rightly, that such discriminatory treatment of stewardesses violates title VII of the Civil Rights Act of 1964. In *Neal* against American Airlines, Inc., a stewardess was fired because she married. In *Dodd* against American Airlines, Inc., a stewardess was fired because she reached age 33. In *Colvin* against Piedmont Aviation, Inc., a stewardess who had been required to sign a pre-employment agreement that the company would fire her on marriage or reaching age 32, was fired when she married. The airlines did not apply such policy to men.

These are very significant opinions and I am sure that the Congress and the public would want to read them. Therefore, I include the three opinions at this point in the Record.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, Washington, D.C.

[Case No. 6-6-5759 (LA 6-9-9)]

CHRISTIANA J. NEAL, CHARGING PARTY V. AMERICAN AIRLINES, INC., EL SEGUNDO, CALIFORNIA, RESPONDENT

Dates of alleged violations: June 30, 1966, other dates, and continuing.

Date of filing: Charge filed: June 6, 1966.

Date of service of charge: October 5, 1966.

DECISION

Summary of charge

Charging Party alleges unlawful discrimination based on sex in violation of Title VII of the Civil Rights Act of 1964, in that Respondent Employer terminated her employment as an airline stewardess on June 30, 1966, because she was married.

Summary of investigation

Respondent is a corporation engaged in commercial aviation, with corporate offices in New York City, New York. Since 1947, its stewardesses have been covered by collective bargaining agreements. Originally, the stewardesses were represented by Air Line Stewards and Stewardesses Association, International, a chartered affiliate of Air Line Pilots Association, International (ALPA); on July 12, 1962, Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union, AFL-CIO, became their certified collective bargaining representative. Until the 1965-1967 contract, none of the contracts contained a provision requiring the termination of stewardesses on marriage. As a matter of unilateral company policy, however, Respondent had terminated stewardesses on marriage since 1935. In 1962, when the Charging Party was hired, she was advised of this policy.

In October 1965, Respondent and the

Footnotes at end of article.

Union executed a new collective bargaining agreement, effective October 1, 1965, until December 31, 1967, which contained the following provision (Article 27-c):

The Company may, at its option, release from employment a married stewardess at any time following the expiration of six (6) months after her marriage or pregnancy.

The stewardesses interpreted the provision to indicate that henceforth termination on marriage would not be automatic. Accordingly, stewardesses who had previously concealed their married status revealed it to Respondent. Respondent thereupon notified the stewardesses that under its interpretation of the contractual provision, termination after marriage would continue to be automatic. On January 6, 1966, Respondent issued the following policy statement as a memorandum addressed to "All Stewardesses":

Re: Marriage

The following is a statement of Company policy with respect to the application of the new provision in the Agreement (Article 27-c):

The Company will release from employment a married stewardess on the last day of the sixth month following the original date of marriage. It is expected that each stewardess shall advise the Company promptly, but in any event, no later than thirty (30) days following the date of her marriage so that appropriate planning may be accomplished. Concealment from the Company of the fact of marriage was and remains a cause for discharge.

A married stewardess who, during the six (6) months following the original date of marriage becomes a widow, is divorced, or whose marriage is legally declared invalid, is not subject to the provisions of Article 27-c until or unless she remarries.

Thereafter, Respondent terminated numerous stewardesses because of marriage, including the Charging Party, who was terminated on June 30, 1966.

Prior to her termination, the Charging Party filed a grievance against Respondent, which Respondent rejected on the ground that the termination was in accord with Article 27-c. Subsequently, arbitration proceedings were commenced on the issue in the case of *American Airlines, Inc. and Air Line Stewards and Stewardesses Association, Local 550, TWU, AFL-CIO*, Case No. SS-6-66 (Nancy Wheelock Mayfield). On May 22, 1967, the System Board of Adjustment reinstated the grievant without loss of seniority rights and with backpay on the ground that the proper interpretation of Article 27-c called for the following procedure:

... the Airline may exercise the "option" reserved to it in Article 27(c) of the Agreement in accordance with the interpretation of that provision set forth in the accompanying Opinion; namely, to make a good faith decision and judgment whether the facts with respect to the grievant's performance in employment in the six months' period following the date of her marriage and thereafter furnish sound grounds, related to her marriage, for her release from employment.

Thereafter, Respondent instituted suit in the U.S. District Court to vacate the decision, suspended the implementation of Article 27-c pending the resolution of that action and offered reinstatement with full seniority but without backpay to the stewardesses who had been terminated because of marriage.

Background

Since the fall of 1965, numerous charges have been filed with the Commission alleging that various airlines discriminate on the basis of sex in their employment of flight cabin attendants, sometimes referred to as stewardesses, hostesses, pursers, stewards, etc. The issues raised included the questions of whether sex was a bona fide occupational qualification for the position of flight at-